



UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 5 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

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Paper No. # 9

In re Application of
Frederick G. St. Goar et al
Serial No. : 09/617,459
Filed : July 17, 2000
For : Antegrade Cardioplegia Catheter Method

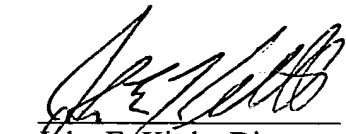
: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT
:

This is a decision on petitioner's request received February 7, 2002 (certificate of mailing dated December 5, 2001), to review the holding of abandonment mailed August 14, 2001 for failure to respond to the Office action mailed December 6, 2000. The basis for the request is that applicant did not receive the Office action mailed December 6, 2000. There is no fee required for this petition. Petitioner's \$130.00 fee will be refunded under separate cover.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53.

The request filed February 7, 2002, includes all the above elements. The request is therefore GRANTED. Upon the mailing of this decision, the application will be forwarded to the appropriate Legal Instruments Examiner to have the Office's communication of December 6, 2000 remailed.

Summary: Holding of Abandonment Withdrawn.


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